HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.No.2559/1999

CORAM : Hon'ble Shri S.R.NAYAK, Chief Justice &
Hon'ble Shri Dilip Raosaheb Deshmukh, Judge

PETITIONERS

1. Shiv Prasad, S/o Late Dadai Ahir, aged about 50 years,
2. Dev Sai, S/o Budra Bargah, aged about 48 years.
3. Smt. Basmati, W/o Dadan and D/o Jan Sai Kherwar, aged about 45 years.

-All agriculturists and R/o Village-Keradole PS-Pondi Tehsil Baikunthpur District-Korea, MP.

Versus.

RESPONDENTS

1. State of Chhattisgarh, through the Chief Secretary, D.K.S.Bhawan, Raipur, C.G.
2. Nagar Palika Parishad, Chirmiri, through its Chief Municipal Officer, At & Post Chirmiri, District Koria. C.G.
3. South Eastern Coal Fields Ltd. Chirimiri. Through the General Manager, SECL, Chirmiri, District-Korea, MP.
4. The Collector, Korea Distt-Korea, MP.
5. Sub-Divisional Officer, Bikunthpur District-Korea, MP.

Shri Rajeev Shrivastava, learned counsel for the petitioners.

Shri Utkarsh Verma, Dy. Government Advocate for the State.

Shri Sanjay Kumar Agrawal, Counsel for the respondent No.2.

Shri Abhishek Sinha, Counsel for the respondent No.3.

ORAL ORDER

(Passed on 3.5.2006)

The following oral order of the Court was passed by S. R. Nayak, C.J.

The grievance of the petitioners, in nutshell, is that in terms of Annexures P/8, P/9 and P/12, which are circular instructions issued by the undivided Government of Madhya Pradesh, the petitioners ought to have been given employment being the oustees of the acquired lands.

2. The claim of the petitioners is not well-founded. Admittedly, the land of the petitioners was acquired way back in the year 1984. All the three documents, on the basis of which the relief is sought, came into existence after acquisition of the petitioners' lands. Secondly, Annexure P/8 unmistakably would show that the benefit in the said circular could be availed of by the oustees if only their lands are acquired for mining purpose and not for any other public purpose. The circulars on which reliance is placed would not show that the benefit under those documents is available to those oustees whose land was acquired prior to the date of those circulars. Looking from any angle, the relief sought in this writ petition is misconceived and cannot be granted.

3. The writ petition is dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjam